

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	
)	CR. NO. 2:06-cr-218-MHT
GEORGE HOEY MORRIS)	

RESPONSE TO MOTION FOR PSYCHIATRIC EXAMINATION

COMES NOW the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and respectfully responds to the defendant's Motion for Psychiatric Examination, filed on or about February 27, 2007, and offers the following:

1. On October 31, 2006, the defendant was found guilty by a petite jury of the one-count Indictment in this case.
2. On November 2, 2006, the case was set for sentencing on January 18, 2007.
3. On December 20, 2006, a Presentence Report was issued to the parties by the United States Probation Office, which outlined the probation officer's recommended computations.
4. No objections to the Presentence Report were filed by the parties therefore no Objections Conference took place.
5. On December 14, 2006, Attorney Susan James, filed a Notice of Appearance on behalf of the defendant.
6. On January 11, 2007, the defendant filed a Motion to Continue sentencing in this case. The Court denied the motion.
7. On January 12, 2007, the defendant filed a Motion to Reconsider and cited the following as reasons: that the PSR noted that the defendant is 100% disabled due to a finding of Post Traumatic Distress Disorder; that the Court would benefit from current psychological data

(presumably from medical records detailing the diagnoses and treatment from the Veteran's Administration and private psychologists he has seen); and, that Dr. Daniel Koch was conducting an evaluation of the defendant which could not be completed by February 13, 2007.

8. On January 16, 2007, sentencing in the above-styled case was continued until March 7, 2007.

9. On February 27, 2007, the defendant filed the present motion in which he requests that the Court order a psychiatric examination at the expense of the United States to determine competency.

10. The United States strongly objects to any further continuance in this matter for any reason and specifically objects to a psychiatric examination to determine competency being ordered. The defendant has made no claim and offers no information to support an argument that he is incompetent, either to aid his attorney in his own defense, or to understand the nature and proceedings against him, pursuant to Title 18, United States Code, Section 4241(a). In fact, the defendant, as supported by the record in this case, has been very involved in every aspect of this case and continues to act in his own best interest in interaction(s) with the United States and the Court.

11. Presumably, the defendant has already received a diagnosis of PTSD and has undergone further testing by Dr. Koch. The government has not been provided any records, reports or information which would in any way suggest or support that the defendant is incompetent and can only conclude that the Motion for Psychiatric Examination is a further effort on defendant's part to delay or avoid sentencing in this case.

Based on the above, the government respectfully requests that the defendant's Motion for Psychiatric Examination be denied and that sentencing in this case take place, as scheduled, on

March 7, 2007, at 10:00 a.m.

Respectfully submitted, this the 27th day of February, 2007.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/ Susan Redmond
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CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I hereby certify that the document will be sent to the following CM/ECF participant: Susan G. James.

Respectfully submitted,

LEURA G. CANARY
UNITED STATES ATTORNEY

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